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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1215 (1998) of 17 December 1998, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 January 1999. The Council also requested me to report to it on the progress of the implementation of the Settlement Plan for Western Sahara (S/21360 and S/22464 and Corr.1) and the agreements reached between the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), under the auspices of my Personal Envoy, James A. Baker III (S/1997/742, annexes I to III). The present report covers developments since my previous report to the Council, dated 11 December 1998 (S/1998/1160).

II. DEVELOPMENTS DURING THE REPORTING PERIOD

A. Consultations with the parties

2. As indicated in my previous report, the Frente POLISARIO formally accepted the package of measures which I had proposed with a view to accelerating the referendum process. For its part, the Government of Morocco expressed concerns and sought clarifications about certain key provisions of the package described in paragraph 2 of that report. MINURSO's mandate was therefore extended to allow for further consultations, in the hope that the various draft protocols, which detailed the measures to be taken, would be finalized with the parties as soon as possible, without undermining the integrity of the package.

3. These consultations between the United Nations and the Moroccan authorities began in late December 1998, intensified by mid-January 1999 and are still continuing in Rabat and New York. As described in paragraph 9 of my previous report, on 20 November 1998, the Minister for Foreign Affairs and Cooperation, Abdellatif Filali, transmitted to me a memorandum which contained his Government's formal response to the draft protocols and confirmed the queries and concerns of the Moroccan authorities regarding several key elements of the proposed package. In a reply to Minister Filali dated 13 January 1999, I sought

to address those concerns and to provide clarification of all the points raised in the memorandum. I also indicated that my Special Representative, Charles F. Dunbar, the Chairman of the Identification Commission, Robin Kinloch, and the Office of the United Nations High Commissioner for Refugees (UNHCR) would remain in close contact with the two parties in order to finalize the various draft protocols as soon as possible.

4. Accordingly, following a meeting with the Moroccan Minister of the Interior, Driss Basri, held at Rabat on 18 January 1999, my Special Representative and the Chairman of the Identification Commission, on 21 January, began a series of daily consultations with a Moroccan delegation to discuss the draft protocols on voter identification and on the appeals procedures contained in the package of measures. During these meetings, held at Rabat until 25 January, MINURSO provided extensive clarifications on the measures detailed in the above documents to the Moroccan delegation, and the delegation advised my Special Representative that the Moroccan Government would require some days to study these clarifications. The Moroccan delegation indicated that, in the light of MINURSO's clarifications, its Government intended to propose, in writing, specific amendments to the texts of the protocols, which it believed would enable it to accept the package of measures. It would be MINURSO's intention to comment on Morocco's proposed amendments and to inform the Frente POLISARIO of the outcome of these discussions.

5. As a result of the current period of operational inactivity, and pending the completion of the above consultations, the contracts of 50 Identification Commission personnel were not renewed when they expired on 31 December 1998. Twelve other Commission staff were reassigned to administrative functions in MINURSO. The remaining Commission personnel are sufficient to undertake the necessary preparatory work for the resumption of identification activities and the start of the appeals process. The additional personnel that would then be needed to conduct the identification and appeals operations will be re-hired or recruited as soon as it is determined when these activities may begin.

B. Military aspects

6. As at 26 January 1999, the strength of the military component of MINURSO stood at 316 all ranks (see annex), including 60 members of the engineering support unit from Pakistan. Under the command of Major General Bernd S. Lubenik (Austria), the MINURSO military component continues to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO forces, which came into effect on 6 September 1991. The MINURSO area of responsibility remains calm and there have been no indications that either side intends to resume hostilities.

7. During the reporting period, the MINURSO engineering support unit from Pakistan completed its redeployment to Laayoune, with the cooperation and logistical support of the Moroccan armed forces. On 11 January 1999, the Moroccan Government informed MINURSO that all communications equipment belonging to the engineering support unit would be released from customs. As envisaged in my previous report (S/1998/1160), the unit commenced repatriation on 22 January and is scheduled to complete this process by the first week of February. It is my intention to retain two Pakistani officers with the Mission, with the status

of military observers, to continue to provide the necessary technical guidance and expertise on matters related to mines and unexploded ordnance. Should the Security Council concur, the authorized strength of MINURSO military observers would thus be increased from 203 to 205.

8. To reduce the threat presented by the large number of unexploded ordnance, MINURSO recently proposed that both parties start a pilot project to destroy all known and marked unexploded ordnance. This would also facilitate future mine-clearance tasks, but should not be considered as a substitute for the necessary deployment of a demining unit, in due course, to complete various Mission mine-clearance tasks, including those related to the repatriation programme. MINURSO has initiated consultations with the parties in this regard.

9. In its resolution 1215 (1998), the Security Council urged the Government of Morocco to conclude a status-of-forces agreement with the United Nations as an indispensable condition for the full and timely deployment of MINURSO's formed military units. As was reported to the Security Council in December 1998 (S/1998/1160), the Moroccan authorities had indicated to the United Nations that they were finalizing their reply to the Secretariat comments on their response of 27 August 1998 to the draft status-of-forces agreement. In order to provide further clarification concerning certain provisions of the agreement and to assist in bringing about its prompt signature, a United Nations legal officer, accompanied by MINURSO representatives, held extensive discussions with the Moroccan authorities at Rabat from 10 to 16 January 1999. Further consultations on the draft agreement were held between the Secretariat and the Government of Morocco at Headquarters. As a result, all issues but one were settled. I am hopeful that this last pending issue will be resolved shortly.

C. Civilian police aspects

10. The strength of the civilian police component of MINURSO stands at 26, of an authorized establishment of 81 officers, under the command of the Acting Commissioner, Assistant Commandant Sunil Roy (India). The civilian police component continues to perform security duties, guarding the Identification Commission files at Laayoune and Tindouf and working with representatives of UNHCR in Laayoune on repatriation logistics.

D. Preparatory work for the repatriation of Saharan refugees

11. During the reporting period, UNHCR continued with its preparatory activities, in particular in the Tindouf camps in Algeria. The water development surveys were completed and a plan was finalized for an exploratory drilling programme in the Territory. The selection of implementing partners is under way for this purpose. UNHCR also completed the construction of its operational base near the Tindouf refugee camps and the enlargement of its Tindouf field office.

12. As was communicated by the Frente POLISARIO to my Special Representative and indicated in my previous report (S/1998/1160), the resumption of the

pre-registration exercise in the two remaining camps in Tindouf continues to be subject to the implementation of the other measures in the package of proposals. UNHCR hopes that the pre-registration in the camps can be resumed, thus enabling it to complete its preparatory work. Meanwhile, UNHCR maintains an active presence in the Tindouf refugee camps in order to better understand the needs of the refugees and to promote confidence-building, for which it continues to receive the required cooperation from the Frente POLISARIO.

13. At the same time, UNHCR met with a high-level Moroccan delegation in Geneva, on 7 and 8 January 1999. During the discussions, the Moroccan delegation confirmed its Government's decision to formalize the presence of UNHCR in the Territory, to enable it to fulfil its responsibilities under its mandate and to implement its plan of action as provided for in the United Nations Settlement Plan. The Moroccan delegation and UNHCR also held preliminary discussions on the draft protocol for the repatriation of refugees which, as indicated in my previous report, was submitted by the United Nations to Morocco, the Frente POLISARIO, Algeria and Mauritania early in November 1998. It was agreed that the Moroccan Government and UNHCR would discuss the protocol in detail in a working group at a later stage. In this connection, UNHCR wrote to the Moroccan authorities on 11 January that it is ready to discuss the protocol once this working group is established by the authorities in Rabat. Meanwhile, on 12 January, the Frente POLISARIO and the Government of Algeria submitted to the Secretariat their respective proposals for amendments to that draft protocol.

14. In a letter to the United Nations High Commissioner for Refugees dated 18 January 1999, the Moroccan Minister for Foreign Affairs and Cooperation confirmed his Government's decision regarding the effective formalization of UNHCR's presence. Subsequently, preliminary discussions were held between UNHCR and the Moroccan authorities in Rabat on 22 and 23 January, during which the administrative modalities regarding UNHCR's presence in Laayoune were confirmed. The discussions also focused on the technical aspect of UNHCR's plan of action for its preparatory activities and two Moroccan counterparts were assigned to work with UNHCR. UNHCR expects to begin substantial discussions with the Moroccan authorities as early as possible and hopes to commence its preparatory activities for the repatriation and reintegration of Saharan refugees in the Territory, including confidence-building, infrastructure and logistics development planning, once a joint technical committee is established to discuss the implementation of these activities and to undertake a joint reconnaissance visit to the Territory.

III. FINANCIAL ASPECTS

15. As indicated in my previous report to the Security Council, the General Assembly, by its resolution 53/18 of 2 November 1998, appropriated an additional amount of $37.3 million gross, equivalent to some $4.7 million gross per month, for the maintenance of MINURSO for the period from 1 November 1998 to 30 June 1999. Therefore, should the Council decide to extend the mandate of MINURSO, as recommended in paragraph 21 below, the cost of maintaining the Mission during the extension period would be within the monthly rate approved by the General Assembly.

16. As at 27 January 1999, unpaid assessed contributions to the MINURSO special account amounted to $65.1 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $1,675.5 million.

IV. OBSERVATIONS AND RECOMMENDATIONS

17. I note the decision of the Government of Morocco to engage in detailed discussions with my Special Representative and the Chairman of the Identification Commission on the voter identification and appeals protocols, which are part of the package of measures presented by the United Nations to the parties in October 1998. Extensive clarifications on these documents requested by the Government of Morocco were promptly submitted by the United Nations. The Government of Morocco has indicated that it needs to study these clarifications for a few days. I expect that the Government of Morocco will then be in a position to present to my Special Representative the specific changes which it has said it wishes to propose to the texts of the voter identification and appeals protocols. Such changes should not affect the balance and spirit of the package of measures and should permit the identification and appeals operations to be implemented, as far as practicable, within the time-frame envisaged in the package. Assuming that these conditions are met, it is my hope that the current consultations can lead to a prompt resumption of identification and to the initiation of the appeals process.

18. I welcome the decision of the Government of Morocco to formalize the status of UNHCR in the Territory. It is imperative that the preparatory work for the return of the refugees eligible to vote in the referendum, together with their immediate families, begin as soon as possible. Given the importance of this activity, and although the Frente POLISARIO has taken the position that all measures in the package should come into effect at once, I believe that the pre-registration operation in the Tindouf camps should be allowed to resume.

19. The refugee repatriation protocol is an essential guide to the work of the parties, in cooperation with UNHCR and MINURSO, in bringing the refugees back to the Territory. I call upon the Government of Morocco to begin without delay discussions with UNHCR on the draft protocol. For its part, the United Nations will respond promptly to the comments on the protocol submitted by the Frente POLISARIO and the Government of Algeria.

20. The Government of Morocco has now decided to proceed with the signature of the status-of-forces agreement concerning MINURSO. This decision will not only permit the orderly deployment, at an appropriate time, of the resources needed to carry out the Settlement Plan, but will also facilitate the day-to-day conduct of MINURSO's operations.

21. In the light of the foregoing, I recommend that the mandate of MINURSO be extended for four weeks, until 28 February 1999, in the expectation that the discussions now under way will lead to a full and detailed agreement on the identification, appeals and repatriation planning activities, as well as on the implementation calendar, and that it will thus be possible to promptly reactivate the referendum process and to move forward towards the transition period. Given the ongoing nature of these discussions and the urgency of

resuming voter identification, beginning the appeals process and completing both, as far as practicable, within the time-frame presented in October 1998, I shall keep the Security Council informed of the progress of these discussions, to enable it to authorize, if appropriate, the deployment of the additional human and other resources which may be required. However, should the prospects for putting the package of measures into effect remain elusive at the time of submission of my next report, it would be my intention to ask my Personal Envoy to reassess the situation and the viability of the mandate of MINURSO.

Annex

United Nations Mission for the Referendum in Western Sahara: contributions as at 26 January 1999

	Military Observers	Staff Officers	Troops	Civilian Police Observers	Total
Argentina	1	-	-	-	1
Austria	5	-	-	-	5*
Bangladesh	6	-	-	-	6
Canada	-	-	-	2	2
China	16	-	-	-	16
Egypt	18	-	-	1	19
El Salvador	2	-	-	-	2
France	25	-	-	-	25
Ghana	6	-	7	1	14
Greece	-	-	-	-	0
Guinea	3	-	-	-	3
Honduras	12	-	-	-	12
Ireland	8	-	-	-	8
India	-	-	-	10	10
Italy	5	-	-	-	5
Kenya	8	-	-	-	8
Malaysia	13	-	-	-	13
Nigeria	3	-	-	-	3
Norway	-	-	-	2	2
Pakistan**	5	6	60	9	80
Poland	3	-	-	-	3
Portugal	2	-	-	1	3
Republic of Korea	-	-	20	-	20
Russian Federation	25	-	-	-	25
Sweden	-	-	-	-	0
Uruguay	13	-	-	-	13
United States of America	15	-	-	-	15
Venezuela	3	-	-	-	3
Total	197	6	87	26	316

* In addition to the Force Commander.

** All members of the engineering support unit from Pakistan will be repatriated by 2 February 1999.

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